



Peter G. Smith
E-Mail: psmith@njdhs.com

May 7, 2019

Ron Silver
Address Unknown
City, State & Zip Unknown

RE: City of Richardson, Texas Request for Attorney General Opinion Relating
to Public Information Request Dated April 23, 2019

Dear Ron Silver:

Please be advised that as City Attorney for the City of Richardson, Texas, we have requested a decision from the Texas Attorney General about whether some of the information responsive to your request dated April 23, 2019 is excepted from disclosure pursuant to Sections 552.101, 552.103, 552.108, and 552.130 of the Texas Government Code. A copy of our request for a decision from the Texas Attorney General is enclosed.

Thank you for your attention to this matter. If you have any questions in this regard, please do not hesitate to contact me.

Sincerely,

Peter G. Smith
City Attorney
City of Richardson

/sj

Enclosures

cc: Texas Attorney General Open Records Division with enclosures



**POLICE
DEPARTMENT**
P.O. Box 831078
Richardson, TX
75083-1078
972-744-4800

INCIDENT REPORT

Incident: 201900033013

INCIDENT DATES/TIMES:

Reported Date/Time: 04/03/2019 11:18:13
Completed Date/Time:
Earliest Date/Time: 04/03/2019 10:35:00
Latest Date/Time: 04/03/2019 10:35:00
Officer: 00001413 Griggs, Natalie

INCIDENT LOCATION:

714 W Arapaho Rd Apt 216 Richardson TX 75080 Dallas County

OFFENSES:

<u>IBR</u>	<u>Offense - Description</u>	<u>Statute - Description</u>	<u>Degree</u>	<u>Class</u>	<u>Level</u>
13B	0013990043 - Injury Child/Elderly/D	22.04(f) - Injury Child/elderly/disable W/int Bodily Inj	3		Felony

Description:

VICTIM(S) :

<u>Name</u>	<u>Age</u>	<u>Race</u>	<u>Sex</u>	<u>Address</u>	<u>City/State/Zip</u>
Silver, Ronald Neal	72	W	M	714 W Arapaho Rd Apt 216	Richardson, TX 75080

VEHICLE(S):

<u>State</u>	<u>Yr</u>	<u>Make/Model</u>	<u>Color</u>	<u>Loss Type</u>	<u>Value</u>
--------------	-----------	-------------------	--------------	------------------	--------------

PROPERTY:

<u>No.</u>	<u>Loss Type</u>	<u>Qt</u>	<u>Make/Model/Style</u>	<u>Description</u>
1	Value:\$		Serial#:	

Richardson Police Department

Arrest Report

BKG#:201900001104

CID#: 000000735315

Inmate Name: Silver, Stuart Neal

Home Address: 6917 Middle Cv Apt#: Dallas, TX 75248

Phone #: 2149068660

POB: AZ

Sex: M **Race:** W **Height:** 509 **Weight:** 170

Hair: BLN **Eyes:** BRO **Marital Status:** S

Employer: Self Employed

Arrest Location: 714 W. Arapaho Rd #216, Richardson Tx

SCARS, MARKS, TATTOOS

SMT

Additional Description

CHARGES

Charge

Injury Child/elderly/disable W/int Bodily Inj

Felony 3

Statute

22.04(f)/13990043

Bond/Fine: \$50,000.00

Agency: Richardson Police Department

Arr Off: N.Griggs #1413

Service#: 201900033013

Wt #: F1945372

Arr Date/Time: 04/03/2019 11:55

Rel Date/Time: 04/04/2019 20:36

Charge Status: Transferred



G.O.3.00.08-004

07/18/06

201900033013

DALLASORIGINAL
(In Red)WARRANT OF ARREST AND DETENTION
DALLAS COUNTY, TEXAS
FELONY
BOND AMOUNT \$ 59000

COURT NO. _____

WARRANT NO. _____

The State of Texas vs. Silver, Stuart NealArrest Status IN CUSTODYORIGINAL TO JAIL
FOR TRANSFER TO DSO
NA #963 44-19 C 1217Race W Sex M DOB [REDACTED] Ht. 5'09"Wt 170 Hair. BLONDE Eye BROWNResidence: 6917 Middle Cv, Dallas, TX

Business Address: , ,

Name of Business: Self Employed

D.L. # [REDACTED]

State [REDACTED]

Complainant: Ronald SilverDate of Offense: 04/03/2019

Date Complaint Filed : _____

Warrant of Arrest Issued : City of Richardson Police DepartmentIN THE NAME OF THE STATE OF TEXAS TO ANY SHERIFF OR OTHER PEACE OFFICER OF THE
STATE OF TEXAS - GREETINGS:

YOU ARE HEREBY COMMANDED to take instanter the body of:

Silver, Stuart NealHereinafter called the accused, and him safely keep so that he may be dealt with according to law, and to hold the
accused to answer to the State of Texas for an offense against the laws of the said State, namely:Injury Child/elderly/disable W/int Bodily Inj T.P.C. 22.04 F/3Of which Felony offense he is accused by written complaint, made, under oath, that has been presented to me and
that is by this reference incorporated herein for all purposes.WITNESS MY SIGNATURE THIS 4 DAY OF April 2019Magistrate
Municipal Court
City of Richardson, Texas

201900033013

AFFIDAVIT OF PROBABLE CAUSE**DALLAS**

QR709

ORIGINAL
(In Red)Cause :
Offense :
Arrest :THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who after being duly sworn by me, on oath stated: My name is R.VANWIEREN 1042 and I am a peace officer for the City of Richardson, Dallas County , Texas.

I, the affiant, have good reason to believe and do believe that on or about the 3rd day of APRIL, 2019, one Silver, Stuart Neal did then and there in the City of Richardson, Dallas County, Texas, commit the criminal offense of:

Injury Child/elderly/disable W/int Bodily Inj, a violation of Section 22.04, Texas Penal Code, a F/3.

Affiant's belief is based upon facts and information in the narrative which is attached and incorporated herein, which Affiant received from :

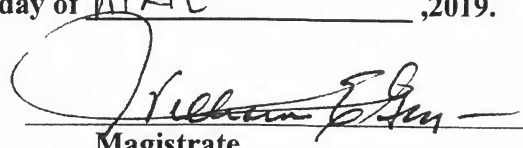
N. GRIGGS #1413 , a fellow peace Officer of the City of Richardson , DALLAS County, Texas, who personally participated in the investigation of this alleged offense, providing this information to Affiant, and whose information Affiant believes to be credible.



AFFIANT

WHEREFORE, Affiant requests that an arrest warrant be issued for the above accused individual(s) in accordance with the law.

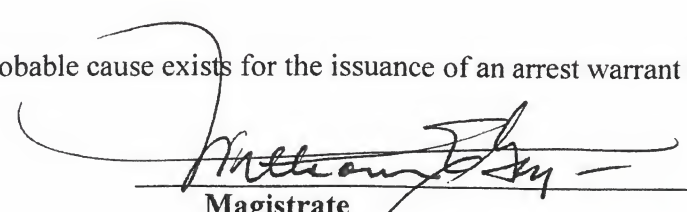
Subscribed and sworn to before me on the 4TH day of APRIL, 2019.



Magistrate
Municipal Court
City of Richardson, Texas**Magistrate's Determination of Probable Cause**

On this the 4 day of April, 2019.

I hereby acknowledge that I have determined that probable cause exists for the issuance of an arrest warrant for the individual accused therein.



Magistrate
Municipal Court
City of Richardson, Texas

Narrative.....

On 04/03/2019 at 11:20am, Officer N. Griggs 1413, Officer A. Thompson 437 and Officer M. Cross 1115 were dispatched to Eldorado Retirement, 714 W Arapaho Rd Apartment 216, Richardson, Dallas County, Texas regarding a disturbance.

Officer Griggs contacted the resident, Ronald Silver (72 years old), who stated his son, Stuart Silver (w/m, [REDACTED]), hit him at approximately 10:35am. Ronald Silver advised his son was laying in the bedroom asleep and he wanted his son out of the residence. Ronald advised his son hit him on right forearm. Officer Griggs observed a fresh wound on Ronald Silver's right forearm with bright red blood covering his entire forearm. The skin on Ronald Silver's forearm looked torn. When Officer Griggs asked how his son hit him, Ronald Silver stated "oh. You wanna know how he hit me?" then made a closed fist with his right hand and punched the open palm of his left hand. Ronald Silver stated the only place Stuart hit him was his right arm.

Officer Griggs contacted the son who had blood on his face and left hand. Blood did not appear to belong to Stuart Silver due to the fact he had no cuts or abrasions. Officer Griggs observed Stuart Silver dressed only in boxers with bruises on his right bicep. Officer Griggs observed blood on the sheets of the bed next to where Stuart Silver was lying down. Officers had trouble attempting to wake Stuart Silver. Officer Griggs and Officer Thompson smelled the odor of alcohol coming from Stuart Silver. Stuart Silver verbally identified himself to Officer Thompson. Officer Thompson then located a wallet containing [REDACTED] DL [REDACTED] that was also used to identify Stuart Neal Silver.

Stuart Silver is not a resident at the Eldorado Retirement Home, 714 W Arapaho Rd, and does not need to return for any property.

RFD was notified and responded. Ronald Silver refused to be treated by paramedics. Ronald Silver became irate and uncooperative.

Officer Griggs took photos of the blood on the bed in the bedroom, the blood on Stuart Silver's hands and face, and overall condition of Ronald Silver. Officer Griggs attempted to take photos of the wounds on Ronald Silver's forearm, but he refused to allow Officers to do so.

Stuart Silver was transported to the RPD Jail and charged with T.P.C. 22.04 Injury to Elderly Individual, F/3.

Officer Griggs completed a Notice of 4-hour Extended Incarceration.

Officer Griggs completed an Application of Extended Incarceration.

Officer Griggs completed an Emergency Protective Order.

ORIGINAL
(In Red)

18

1/4/19 10:23 AM

15/39

GO 2.01.07-003
12/05/2017CASE/REFERENCE NO. 201900033013STATE OF TEXAS
COUNTY OF DALLAS
CITY OF RICHARDSON§
§
§IN THE MUNICIPAL COURT
IN AND FOR THE
CITY OF RICHARDSON, TEXAS**ORDER FOR EMERGENCY PROTECTION**

1. Came this day to be heard the request for issuance of an order for emergency protection. The protected person is:

Sucede este día para ser escuchado la solicitud de una orden de protección de emergencia. La persona protegida es:

Ronald Neal SilverW/M05/24/1946Full NameRace / SexDate of BirthNombre y apellidoEtnia/SexoLa fecha del Nacimiento

2. The Respondent and person against whom this Order is effective is:

El Respondiente y la persona contra quien esta Orden es efectiva es:

Stuart Neal Silver06/18/1988Full Name/Nombre y apellidoDate of Birth/La fecha del Nacimiento6917 Middle CoveMaleStreet Address / DomicilioSex/SexoDallas, Texas, 75248WhiteCity, State, Zip/La ciudad, el Estado, el código postalRace/EtniaORIGINAL
(In Red)

3. It appears to the Court, based upon the information, evidence and argument presented herein, that the Respondent identified above has been arrested for an offense involving family violence, sexual assault (§ 22.011), aggravated sexual assault (§ 22.021), trafficking of persons (§§ 20A.02, 20A.03) or stalking (§ 42.072), and that good cause exists for the issuance of the orders contained herein. Accordingly, it is

Aparece al Tribunal, basado en la información, la evidencia y el argumento presentado, que el Respondiente identificado arriba ha sido detenido por una ofensa que implica la violencia hacia la familia, asalto sexual (§ 22.011), asalto sexual agravado (§ 22.021), tráfico de personas (§§ 20A.02, 20A.03), o acecho (§ 42.072), y existe buena causa para la emisión de las órdenes contenidas en este documento. Consiguientemente, es

4. ORDERED, ADJUDGED AND DECREED that Respondent be and is hereby prohibited from engaging in any of the following acts:

- committing family violence, assault, or any act in furtherance of an offense under Section 42.072, Texas Penal Code [Stalking];
- communicating directly with the protected party or a member of the family or household of the protected party in a threatening or harassing manner;
- communicating a threat through any person to the protected party or a member of the family or household of the protected party;
- going within 100 feet of the residence, place of employment or business of the protected party or a member of the family or household of the protected person;
- going within 100 feet of the residence, child care facility, or school where a child protected under this Order resides or attends.

ORDENADO, ADJUDICADO Y DECRETO que el Respondiente sea prohibido de tomar parte en cualquiera de los actos siguientes:

- cometer asalto de violencia hacia la familia o cualquier acto por adelantado de una ofensa bajo la Sección 42.072, Texas Código Penal [Cazando al acecho];
- comunicarse directamente con la persona protegida o un miembro de la familia o la casa del protegido(a) en una manera de acoso o amenazante;
- comunicar una amenaza por medio de cualquier persona a el protegido(a) o un miembro de la familia o la casa de la persona protegida;
- ir dentro de 100 pies de la residencia, el lugar de empleo o el negocio propio de la persona protegida o un miembro de la familia o la casa de la persona protegida;
- ir dentro de 100 pies de la residencia, de la facilidad del cuidado del niño, o de la escuela

rev. 12/2017

1/4/19 10:23 AM

16/39

GO 2.01.07-003
12/05/2017

Case/Reference No. 201900033013

f) possessing a firearm, unless Respondent is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

donde un niño protegido bajo esta Orden reside o asiste.

f) Poseer un arma de fuego, a menos que el Demandado sea un oficial de la paz, como se define en la Sección 1.07, Código Penal, activamente contratado como empleado juramentado a tiempo completo de una agencia estatal o subdivisión política

5. The Court further finds that for the safety of the protected party/parties protected under this Order, AND HEREBY FURTHER ORDERS that the addresses and specific locations of the protected party/parties protected by the Order shall remain confidential and shall be omitted from the Order.

Sobre la base de los hechos presentados, la Corte considera, además, que por la seguridad de la persona protegida por la orden presente, y resuelve además que las direcciones y lugares específicos de la persona(s) protegida por la Orden serán confidenciales y deberán ser omitidos de la Orden.

☐ Yes/Si☒ No/No

IF NO, IT IS FURTHER ORDERED that the specific locations from which Respondent is prohibited from going within 100 feet are as follows:

SI NO, TAMBIEN ORDENO que las locaciones específicas de cuál Respondiente tiene prohibido de ir dentro de 100 pies son así:

a) RESIDENCE/ RESIDENCIA

b) BUSINESS/ NEGOCIO

714 W Arapaho Rd Apt #216

(Street Address / Domicilio)

N/A

(Business/Company Name/Nombre de compañía)

Richardson, Texas, 75080

(City, State, Zip/La ciudad, el Estado, el código postal)

(Street Address / Domicilio)

(City, State, Zip/ Ciudad, Estado, Código postal)

c) CHILD CARE FACILITY/SCHOOL

FACILIDAD/ESCUELA de CUIDADO de NIÑO

N/A

(Child Care/School Name)

N/A

(Nombre de la Escuela/Guardería del niño)

(Street Address)

(Domicilio)

(City, State, Zip)

(Ciudad, Estado, Código postal)

6. IT IS FURTHER ORDERED that this Order shall remain effective and in full force for a period of

31 / 61

(circle one)

days of and from the date of issuance stated herein below. A copy of this Order shall be sent to the protected person, Chief of Police of the City of Richardson, the chief of police of the municipality in which the protected person resides and, if none, then the Sheriff of the County of the protected person's residence, and to the person in charge of the day care facilities or schools identified hereinabove.

TAMBIEN ORDENO que esta Orden se quedarán efecto y validez absoluta por un período de

31 / 61

(circula una)

días de y de la fecha de emisión indicada abajo de la orden. Una copia de esta Orden será enviada a la persona protegida, al Jefe de Policía de la Ciudad de Richardson, el Jefe de policía de la municipalidad en que la persona protegida reside y, si ninguno, entonces el Alguacil del Condado de la residencia de la persona protegida y la persona encargada del cuidado del niño(a) o escuelas mencionadas arriba.

4/4/19 10:23 AM

17/39

GO 2.01.07-003
12/05/2017Case/Reference No. 201900033013

7. IT IS FURTHER ORDERED that if the Respondent holds a license to carry a concealed handgun issued under Subchapter H, Chapter 411, Texas Gov't Code, said license to carry a concealed handgun is hereby suspended for the duration of this Order.

The Clerk is further ordered to send a facsimile copy of this Order to the appropriate division of the Department of Public Safety.

8. IT IS FURTHER ORDERED that Respondent is entitled to a hearing to modify the terms of or dissolve this Order upon proper application to the Richardson Municipal Court.

TAMBIEN ORDENÓ que si el demandado posee una licencia para portar una pistola oculta emitida bajo el Subcapítulo H, Capítulo 411, Texas Código de Gobierno, esta licencia para portar una pistola oculta queda suspendida durante el tiempo en efecto de la Orden presente.

Al secretario se ordena que envíe una copia facsímil de la orden a la división adecuada del Departamento de Seguridad Pública

TAMBIEN ORDENÓ que el Respondiente tiene derecho a una audiencia para modificar los términos o para disolver esta Orden cuando se haga una aplicación apropiada al Tribunal Municipal de Richardson.

NOTICE / La NOTA:

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE OR A STALKING OR TRAFFICKING OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE, AS APPLICABLE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

WARNINGS UNDER FEDERAL LAW / Las ADVERTENCIAS BAJO la LEY FEDERAL

- THIS ORDER IS ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES. 18 U.S.C., SECTION 2265.

UNA INFRACCION DE ESTA ORDEN POR la COMISION DE UN ACTO PROHIBIDO POR ESTA ORDEN ES PUNIBLE POR UNA MULTA DE HASTA \$4,000 O POR el CONFINAMIENTO EN la CARCEL POR UN TERMINO DE A LO MAS UN AÑO O POR LAS DOS. UN ACTO QUE RESULTA EN la VIOLENCIA de la FAMILIA DE UNA OFENSA DE ACOSAR PUEDE SER PROCESADA COMO UNA OFENSA SEPARADA de DELITO O CRIMEN GRAVE. SI EL ACTO se PROCESA COMO UNA OFENSA SEPARADA de CRIMEN GRAVE, ES PUNIBLE POR el CONFINAMIENTO EN la PRISION POR LO MENOS DOS AÑOS. LA POSESION DE UN FUSIL POR UNA PERSONA, MENOS QUE SEA QUE UN OFICIAL de la PAZ, COMO DETERMINADO POR la SECCION 1.07, CODIGO PENAL, EMPLEADO ACTIVAMENTE COMO UN JURADO, JORNADO A TIEMPO COMPLETO O EMPLEADO DE UNA AGENCIA del ESTADO O la SUBDIVISION POLITICA, QUE ES SUSCEPTIBLE A ESTA ORDEN SE PUEDE PROCESAR COMO UNA OFENSA SEPARADA PUNIBLE POR el CONFINAMIENTO O el ENCARCELAMIENTO.

NINGUNA PERSONA, INCLUYENDO LA PERSONA QUE ES PROTEGIDA POR ESTA ORDEN, PODRA DAR PERMISO A NADIE PARA IGNORAR O VIOLAR CUALQUIER PROVISION DE ESTA ORDEN. DURANTE EL TIEMPO EN EL QUE ESTA ORDEN ES VALIDA, CADA PROVISION DE ESTA ORDEN ESTA EN COMPLETA FUERZA Y EFECTO A MENOS QUE UN TRIBUNAL CAMBIE LA ORDEN.

- ESTA ORDEN ES APLICABLE EN 50 ESTADOS, EL DISTRITO DE COLUMBIA, DE TIERRAS TRIBALES, Y DE LOS ESTADOS UNIDOS TERRITORIOS. 18 U. S. C., la SECCION 2265.

1/4/19 10:23 AM

18/39

GO 2.01.07-003

12/05/2017

Case/Reference No. 201900033013

• INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES. 18 U.S.C., SECTIONS 2261, 2262.

• La INFRACCION INTERESTATAL DE ESTA ORDEN SUJETA A EL RESPONDIENTE A PENAS CRIMINALES FEDERALES. 18 U. S. C., SECCIONES 2261, 2262.

• POSSESSION, TRANSPORTATION, OR RECEIPT OF A FIREARM WHILE THIS ORDER REMAINS IN EFFECT MAY BE A FELONY UNDER FEDERAL LAW PUNISHABLE BY UP TO 10 YEARS IN PRISON AND/OR A FINE.

• POSESION, TRANSPORTE, O RECIBO DE UN FUSIL MIENTRAS ESTA ORDEN ESTA EN EFECTO SERA UN CRIMEN GRAVE BAJO LA LEY FEDERAL PUNIBLE POR HASTA 10 AÑOS EN PRISION Y/O UNA MULTA.

• IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

• ES ILEGAL PARA CUALQUIER PERSONA QUE ES SUSCEPTIBLE A UNA ORDEN PREVENTIVA POSEER UN FUSIL O LA MUNICION.

☐ Yes/Si ☒ No/No

Respondent may go to the above listed residence address on one occasion within twenty-four (24) hours of release from jail to obtain personal articles of immediate necessity while accompanied by a Peace Officer on civil standby, if approved by the agency. Failure to be accompanied by a Peace Officer will be a violation of this Order.

El Respondiente puede ir al dirección de residencia en una ocasión dentro de veinte y cuatro (24) horas de la liberación de la cárcel para obtener artículos personales de necesidad inmediata mientras acompañado de un Oficial de la Paz en la reserva civil, si aprobado por la agencia. El no ser acompañado de un Oficial de la Paz será una infracción de esta Orden.

SIGNED AND ISSUED (FIRMADO Y PUBLICADO) at 1100 o'clock, A.M., this (este)

4 day of (dia de) April, 2019

JUDGE, MUNICIPAL COURT IN AND FOR THE CITY OF RICHARDSON, TEXAS
EI JUEZ, del TRIBUNAL MUNICIPAL EN Y PARA LA CIUDAD DE RICHARDSON, TEXAS

**** DELIVERY CONFIRMATION ****

I, a City of Richardson Detention Officer, the Magistrate's authorized designee, confirm delivery of this Order for Emergency Protection upon the Respondent.

Date: 4-4-19

Magistrate Designee: *Nautil*

**** RESPONDENT ACKNOWLEDGEMENT OF RECEIPT ****

I, the above-referenced Respondent, acknowledge receipt of said Order for Emergency Protection.

Date: 4-4-19

Respondent: *[Signature]*

**** CERTIFICATE OF SERVICE OF ORDER FOR EMERGENCY PROTECTION ****

I, the undersigned Magistrate of the State of Texas, certify that a complete copy of this Order for Emergency Protection issued in the above-referenced Case was served on the Respondent in said Order, by the undersigned Magistrate's designee, a City of Richardson Detention Officer, in person.

SIGNED (FIRMADO) _____

JUDGE, MUNICIPAL COURT IN AND FOR THE CITY OF RICHARDSON, TEXAS
EI JUEZ, del TRIBUNAL MUNICIPAL EN Y PARA LA CIUDAD DE RICHARDSON, TEXAS



Peter G. Smith
E-Mail: psmith@njdhs.com

May 7, 2019

Open Records Division
Office of the Attorney General
State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RE: Public Information Request Received by the City of Richardson Police
Department, from Ron Silver, dated April 23, 2019

Dear Open Records Division:

As the City Attorney for the City of Richardson, we are writing to request an opinion on the above referenced request for public information, pursuant to Sections 552.101, 552.103, 552.108, and 552.130 of the Texas Government Code. A true and correct copy of the request is attached as Exhibit "A". The request was received by the City on April 23, 2019. We responded to the requestor by a separate letter along with a portion responsive information, which is attached hereto as Exhibit "B". We have enclosed a true and correct copy of the responsive document we seek to withhold attached as Exhibit "C".

The City asserts that the responsive information is excepted from public disclosure pursuant to the litigation exception of Section 552.103 of the Texas Government Code, as it is part of a case file that the Police Department intends to file, or has already filed with the District Attorney's Office. The release of the information would circumvent rules of discovery established for litigation proceedings. Furthermore, release of the information places undo hardship on the Police Department and individuals prosecuting the case. Therefore, the responsive information is excepted from disclosure pursuant to Section 552.103 of the Texas Government Code.

The City asserts that the requested information is excepted from public disclosure pursuant to Section 552.108 of the Texas Government Code. Section 552.108 excepts from required public disclosure information held by a law enforcement agency or



**POLICE
DEPARTMENT**
P.O. Box 831078
Richardson, TX
75083-1078
972-744-4800

prosecutor which deals with the detection, investigation, or prosecution of crime if the release of the information would interfere with the detection, investigation, or prosecution of the crime, Texas Government Code, Section 552.108(a). In this case, the responsive information is information held by a law enforcement agency which pertains to a crime which has not been fully investigated. Releasing this information to the requestor would release personal contact information pertaining to other witnesses involved and would interfere with the detection, investigation or prosecution of a crime. For example, the release of the information could subject witnesses to possible intimidation or harassment, harm the prospects of future cooperation by witnesses and disclose investigative techniques and leads in the investigation. Since the case is still an active, pending case, releasing such information would unduly interfere with the investigation, detection and prosecution of this case. Therefore, the responsive information is excepted from disclosure pursuant to Section 552.108(a).

The City asserts that portions of the responsive information are excepted from public disclosure pursuant to Section 552.130 of the Texas Government Code. Section 552.130 provides that (a) Information is excepted from the requirement of Section 552.021 if the information relates to (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or] (2) a motor vehicle title or registration issued by an agency of this state [.] This exception requires a government body to withhold Texas motor vehicle information such as the Texas driver's license number, vehicle identification number, the type/class of license, copy of the license and license plate number under Section 552.130. Therefore, portions of the requested document are excepted from disclosure pursuant to Section 552.130 of the Texas Government Code.

Your office has issued a previous determination (OR2017-00069) on January 3, 2017, which authorizes the City to withhold the dates of birth of public citizens under Section 552.101 of the Government Code in conjunction with common-law privacy.

In accordance with the provisions of the Public Information Act, we are providing your office with all relevant documents. We respectfully request that you review these records and issue an opinion with regard to the confidential or public nature of the documents. Should you have further questions regarding this matter or require further information, please do not hesitate to contact this office. Thank you for your attention herein.

Please reference file number P001288 in your response.

Sincerely,

A handwritten signature in cursive script that reads "Peter G. Smith".

Peter G. Smith
City Attorney
City of Richardson

/sj

Enclosures

cc: Ron Silver without enclosures